

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-4143

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

QUINTIS TRAVON SPRUIELL, a/k/a QT,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. Frank W. Bullock, Jr., District Judge. (CR-02-256)

Submitted: June 30, 2003

Decided: July 28, 2003

Before LUTTIG, WILLIAMS, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Louis C. Allen, III, Federal Public Defender, Eric D. Placke, Assistant Federal Public Defender, Greensboro, North Carolina, for Appellant. Anna Mills Wagoner, United States Attorney, Michael A. DeFranco, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Quintis Travon Spruiell pled guilty to one count of conspiracy to falsely make and counterfeit obligations in violation of 18 U.S.C. § 371 (2000) and one count of making and counterfeiting obligations in violation of 18 U.S.C. § 472 (2000). He was sentenced to twenty months' imprisonment and three years' supervised release on each count, to run concurrently.

On appeal, Spruiell argues the district court erred when it applied U.S. Sentencing Guidelines Manual § 2B5.1(b)(2) (2000) to enhance his sentence. Section 2B5.1(b)(2) provides for an offense level enhancement for a defendant who manufactured or produced counterfeit currency or possessed devices or materials used to counterfeit currency. This guideline, however, "does not apply to persons who merely photocopy notes or otherwise produce items that are so obviously counterfeit that they are unlikely to be accepted even if subjected to only minimal scrutiny." USSG § 2B5.1(b)(2), comment. (n.4); see United States v. Miller, 77 F.3d 71, 76 (4th Cir. 1996).

We review the district court's legal determinations de novo and findings of fact for clear error. United States v. Williams, 253 F.3d 789, 791-92 (4th Cir. 2001). We have reviewed the parties' briefs and joint appendix and find no reversible error. Accordingly, we affirm Spruiell's conviction and sentence. We dispense with oral argument because the facts and legal contentions

are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED